REMARKS

Summary of Substance of Interview

A telephonic interview was conducted between the Examiner and Applicant's Representative on December 6, 2006, during which the Advisory Action mailed on November 15, 2006 was discussed. In particular, Applicant's Representative pointed out that the Advisory Action contained no specific points in the Response to Arguments section which Applicant could rebut, and further that the Examiner had mischaracterized Applicants arguments with respect to the 35 U.S.C. § 103(a) rejections as attacking the references individually.

The Examiner stated that the rejection was valid and clarified his position that the rejection was based on his view that the file anchors recited in the claims were disclosed in the cited prior art. As regards the mischaracterization of Applicant's arguments, the examiner agreed that the arguments did not attack the references individually, but rather in combination.

No agreement with respect to the claims was reached.

Claim Rejections

Claims 1, 2, 5 and 8 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,317,885 to Fries ("Fries") in view of U.S. Patent No. 6,697,365 to Messenger ("Messenger"), and in further view of U.S. Patent No. 6,681,075 to Waki *et al.* ("Waki"). Applicant traverses this rejection.

The Examiner alleges that Fries discloses a digital broadcast receiving method for receiving broadcast data in which *a plurality of files* are broadcast with a plurality of elementary streams for audio and video, the method comprising: initiating reception of *a file*; acquiring automatically and retaining [said] *file*; and using said *retained file* to create video and audio

output (Office Action, page 2). Applicant respectfully submits that, as set forth above, the Examiner incorrectly paraphrases the claim language. Therefore, the Examiner does not address the features of claim 1 as recited in the claim.

In particular, the Examiner does not address the claimed features "initiating reception of *said plurality of files*," "acquiring automatically and retaining *said plurality of files* linked by anchors within each of *said plurality of files*," and "using said *retained files* to create video and audio output." By incorrectly paraphrasing the claim language, the Examiner alters the subject matter of the claim which is directed to *receiving a plurality of linked files* necessary for audio and video output. Fries does not disclose or suggest the features of claim 1 as correctly recited.

The Fries reference, as cited by the Examiner, is directed to a system for periodically providing pages of information to a set-top box for user interaction therewith (Abstract). A head-end server receives and stores still images or information page data and management information from content providers and injects the page images onto a local cable system in addition to conventional television programming (column 3 line 67-column 4, line 8). Each page image consists of *a single frame MPEG-2 video sequence* that is capable of being decoded by an MPEG video decoder in the set-top box (column 4, lines 20-23). Neither the cited portion of Fries, nor any other portion of Fries, discloses or suggests that the still images or information pages form a plurality of files linked by anchors within each of the files.

Therefore, Fries discloses a system which outputs an individual information page, i.e., a still image, in addition to conventional broadcast programming to allow user interaction with the individual page. In other words, Fries provides a page browsing experience similar to browsing

web pages on a computer. In fact, the server of Fries typically will regularly download at least some of the page image data from an external data source such as the Internet (column 4, lines 11-13).

Thus, Fries does not disclose or suggest at least acquiring automatically and retaining said plurality of files linked by anchors within each of said plurality of files, as recited in claim 1. Messenger does not cure the deficiencies of Fries.

The Examiner relies on Messenger to allegedly disclose a method for determining in advance a number of said plurality of files to be retained; initiating reception of said plurality of files; and acquiring automatically and retaining said plurality of files linked within each of said plurality of files ranging from said start file to said hierarchical number of files by analyzing said file (Office Action, page 3). The Examiner further alleges that it would have been obvious for one of ordinary skill in the art to add the method of knowing the number of files as taught by Messenger, to the method disclosed by Fries.

Messenger discloses a distributed broadcasting system wherein the bandwidth of multiple users is utilized to broadcast a data stream (Abstract). The system of Messenger incorporates a Broadcast Manager which functions to connect users to a broadcast (column 27, lines 4-6). When a user connects, the Broadcast Manager *informs the user of the file's size and the number of frames in the file* (column 27, lines 7-9). Thus, not only does Messenger fail to cure the deficiencies of Fries, but Messenger does not disclose or suggest a method of *knowing the number of files* as alleged by the Examiner. Messenger merely discloses that a user is informed of the *size of a file* and the *number of frames in a file*.

On the other hand, claim 1 recites "a method for determining in advance *a number of said plurality of files to be retained.*" Since Messenger does not disclose or suggest the claimed feature, even if one of ordinary skill in the art at the time the invention was made had been motivated to combine Messenger with Fries, the combination would still not result in the features recited in claim 1. Waki does not cure the deficiencies of the Messenger-Fries combination.

The Examiner alleges that Waki discloses, *inter alia*, wherein the files are arranged in a hierarchical manner (Office Action, page 3). Applicant respectfully submits that the Examiner has again incorrectly paraphrased the claimed feature.

Claim 1 recites "determining in advance *a hierarchical number* of said plurality of files to be retained," and "acquiring automatically and retaining said plurality of files linked by anchors within each of said plurality of files ranging from said start file to *said hierarchical number of files* by analyzing said start file.*" Thus, claim 1 does not recite that the files are arranged in a hierarchical manner, as allegedly the Examiner. As set forth in the claim, a hierarchical number is determined in advance and used to acquire and retain a number of files beginning with the start file up to the determined hierarchical number of files.

Waki, on the other hand, is directed to transmitting and receiving a plurality of data files having *directory structures* (column 4, lines 32-40). Data having directory structures is transmitted and received along with a *directory message* containing information about the *directory structure* (column 13, lines 30-44). That is, the *file hierarchy in the directory* is specified by the directory message such that the file hierarchy in the *directory is properly re-created* by the receiver.

Thus, not only does Waki fail to cure the deficiencies of the Messenger-Fries combination, but Waki also fails to disclose or suggest at least "determining in advance a hierarchical number of said plurality of files to be retained," and "acquiring automatically and retaining said plurality of files linked by anchors within each of said plurality of files ranging from said start file to said hierarchical number of files by analyzing said start file," as recited in claim 1. Even if one of ordinary skill in the art at the time the invention was made had been motivated to combine Waki with Messenger and Fries, the combination would still not result in the features of claim 1.

Therefore, claim 1 is patentable over the combination of Fries, Messenger and Waki. Claims 2, 5 and 8 contains features similar to the features recited in claim 1 and are therefore patentable for similar reasons.

Claims 3, 4, 6, 7, 9 and 10 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Fries in view of Messenger and Waki, and in further view of U.S. Patent No. 6,374,404 to Brotz *et al.* ("Brotz"). Applicant traverses this rejection.

The combination of Fries, Messenger, Waki and Brotz does not disclose or suggest the features of claims 1, 5 and 8 incorporated into claims 3, 4, 6, 7, 9 and 10 by virtue of their dependence from one of claims 1, 5 and 8. Brotz does not cure the above noted deficiencies of the Fries-Messenger-Waki combination.

The invention of Brotz provides an intelligent device for interfacing with the user and controlling the display on information on a display screen (column 2, lines 38-41). Brotz discloses that an intelligent device receives and stores a current hypertext document into cache

memory and if an old copy of the hypertext document exists, replaces the old copy with the new

copy of the hypertext document (column 11, lines 5-9). In other words, Brotz discloses a digital

TV web page caching system capable of updating stored web pages which provides a page

browsing experience similar to Fries. Brotz does not, however, disclose or suggest at least the

above-noted features deficient in the Fries-Messenger-Waki combination.

Therefore, even if one of ordinary skill in the art at the time the invention was made had

been motivated to combine the references, the combination would still not result in the claimed

features. For at least the above reasons, claims 3, 4, 6, 7, 9 and 10 are patentable over the

combination of Fries, Messenger, Waki and Brotz.

New Claims

Applicants have added new claims 11 and 12 which depend from claims 3 and 9,

respectively. These new claims are supported in the specification at least, for example, at page

13, lines 9-14. No new matter has been added. Applicants respectfully submit that claims 11

and 12 are patentable at least by virtue of their dependence from claims 3 and 9, respectively.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed

to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is

kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Appln. No. 09/986,192

Attorney docket No. Q67062

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

Respectfully submitted,

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